

DETAILED ACTION

1. Claims 1-16 are pending in this application.

“Medium” Interpretation

2. From the specification at ¶ 0048 (as submitted) or ¶ 0113 (published), the Examiner has determined that the Applicant in accordance with statutory requirements does limit “medium” to be of a hardware character (a flexible disk, a hard disk, a CD-ROM, an MO, a DVD, a DVD-ROM, a BD (Blu-ray Disc), and a semiconductor memory).

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-16 are rejected under 35 U.S.C. 101 because functional descriptive material, per se, is not statutory. It is not an apparatus, process, article of manufacture not a composition of matter. The claimed units appear to be directed as a whole to a computer program per Applicant's specification as follows:

¶ 0047 (8) on page 24, lines 26-28 (as submitted 6/28/2006) or ¶ 0112 (8) (as published 5/7/2009), "The present invention may be a computer program which realizes the method. The present invention may also be a digital signal represented by the computer program."

¶ 0048 (as submitted 6/28/2006) or ¶ 0113 (as published 5/7/2009), "Also, the present invention can be the computer program recorded in these recording media or the digital signal."

4. Claim 15 recites a computer program that does not recite a computer readable storage medium, therefore, this claim is considered to be nonstatutory functional descriptive material since the computer program's functionality cannot be realized.

MPEP 2106 states:

"Similarly, computer programs claimed as computer listings per se, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized...Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and Office personnel should treat a claim for a computer program, without the computer-readable medium needed to

realize the computer program's functionality, as nonstatutory functional descriptive material."

Claim Rejections - 35 USC § 102

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-9 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kazou (Patent Abstracts Of Japan Publication 2002-245268, referred to as **Kazou**).

Claim 1

Kazou anticipates:

A device registration system including a server and a terminal device obtaining and using the contents from the server, the terminal device comprising: a selection receiving unit operable to receive, according to input by a user, a selection of a content from a contents list showing the contents stored in the server (**Kazou** ¶¶ 0032-0033, 0042-0043; EN: A keyboard, a pointing device (mouse), and a display device on user terminal); and a requesting unit operable to transmit, to the server, a request for the selected content (**Kazou** ¶¶ 0041-0043; EN: Server receives request. Examiner interprets that the user device sends the request), and the server comprising:

a receiving unit operable to receive the request for the selected content from the terminal device (**Kazou ¶¶ 0041-0043; EN: Server receives request**); and a registration unit operable to register the terminal device on receipt of the request for the selected content (**Kazou ¶¶ 0044-0048; EN: Requesting terminal ID registered**).

Claim 2

Kazou anticipates:

A server that stores contents to be used by a terminal device, the server comprising:

a receiving unit operable to receive, from the terminal device, a request for a content among the contents (**Kazou ¶¶ 0041-0043; EN: Server receives request**); and

a registration unit operable to register the terminal device on receipt of the request for the content (**Kazou ¶¶ 0044-0048; EN: Requesting terminal ID registered**).

Claim 3

Kazou anticipates:

a storage unit operable to store a registration list (**Kazou ¶¶ 0042-0048; EN: Contents managing DB26C**);

a specific information receiving unit operable to receive information specific to the terminal device which is a source of the request (**Kazou ¶¶ 0038-0042, 0044-0048; EN: Contents managing DB26C**); and

a judging unit operable to judge whether the received information is registered in the registration list (**Kazou** ¶¶ 0038-0042, 0044-0048; EN: Contents managing DB26C), wherein if the judging unit judges negatively, the registration unit registers the terminal device by writing the received information in the registration list (**Kazou** ¶¶ 0038-0042, 0044-0048; EN: Contents managing DB26C).

Claim 4

Kazou anticipates:

a notifying subunit operable, if the judging unit judges negatively, to notify the terminal device that the received information is not registered in the registration list (**Kazou** ¶¶ 0038-0042, 0044-0048; EN: User Information registration page is transmitted to the user terminal);
a request receiving subunit operable to receive a request for registration from the terminal device (**Kazou** ¶¶ 0038-0042, 0044-0048; EN: User Information registration page is transmitted to the user terminal); and
a writing subunit operable to write the received information in the registration list on receipt of the request for registration from the terminal device (**Kazou** ¶¶ 0038-0042, 0044-0048; EN: User Information registration page is transmitted to the user).

Claim 5

Kazou anticipates:

wherein the judging unit judges after the receiving unit receives the request for the content (**Kazou ¶¶ 0038-0042, 0044-0048; EN: It is determined whether the ID is registered**).

Claim 6

Kazou anticipates:

wherein the storage unit further stores a contents list showing contents stored in the server (**Kazou ¶¶ 0042-0044; EN: Content page**),
the server further comprises a list transmitting unit operable to transmit the contents list to the terminal device (**Kazou ¶¶ 0042-0044; EN: Content page**), and
the content to be transmitted on receipt of the request for the content is selected from the contents list by the terminal device (**Kazou ¶¶ 0042-0044; EN: Content page**).

Claim 7

Kazou anticipates:

wherein the list transmitting unit receives a request for the contents list from the terminal device and transmits the contents list on receipt of the request for the contents list (**Kazou ¶¶ 0042-0044; EN: Content page**), and
the judging unit judges after the list transmitting unit receives the request for the contents list (**Kazou ¶¶ 0042-0044; EN: Content page**).

Claim 8

Kazou anticipates:

wherein the judging unit judges after the specific information receiving unit receives the information (Kazou ¶ 0042-0044; EN: Content page).

Claim 9

Kazou anticipates:

A terminal device that obtains and uses contents stored in a server, the terminal device comprising:

a selection receiving unit operable to receive, according to input by a user, a selection of a content from a contents list showing the contents stored in the server (Kazou ¶ 0032-0033, 0042-0043; EN: A keyboard, a pointing device (mouse), and a display device on user terminal); and

a requesting unit operable to transmit, to the server, a request for the selected content, wherein the server registers the terminal device on receipt of the request for the content (Kazou ¶ 0041-0043; EN: Server receives request. Examiner interprets that the user device sends the request).

Claim 14

Kazou anticipates:

A device registration method used in a server that stores contents used by a terminal device, the device registration method comprising:

a receiving step of receiving, by a receiving unit, a request for a content among the contents from the terminal device (Kazou ¶ 0041-0043; EN: Server receives request); and

a registration step of registering, by a registration unit, the terminal device on receipt of the request for the content (Kazou ¶¶ 0044-0048; EN: Requesting terminal ID registered).

Claim 15

Kazou anticipates:

A device registration program used in a server that stores contents used by a terminal device, the device registration program comprising:
a receiving step of receiving, by a receiving unit, a request for a content among the contents from the terminal device (Kazou ¶¶ 0041-0043; EN: Server receives request); and
a registration step of registering, by a registration unit, the terminal device on receipt of the request for the content (Kazou ¶¶ 0044-0048; EN: Requesting terminal ID registered).

Claim 16

Kazou anticipates:

A computer-readable recording medium in which a device registration program used by a server that stores contents used by a terminal device is recorded, the device registration program comprising:
a receiving step of receiving, by a receiving unit, a request for a content among the contents from the terminal device (Kazou ¶¶ 0041-0043; EN: Server receives request); and

a registration step of registering, by a registration unit, the terminal device on receipt of the request for the content (**Kazou** ¶¶ 0044-0048; EN: Requesting terminal ID registered).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kazou** in view of Watson et al. (U.S. PGPub 2004/0117839 A1, referred to as **Watson**). Examiner's Note (EN): **Kazou** and **Watson** apply with the specific sections identified as follows. Paragraph 13. below applies.

Claim 10

Kazou does not explicitly disclose:

a list obtaining unit operable to obtain, from each of a plurality of servers, a server contents list showing contents stored in the server,
a generating unit operable to generate the contents list by synthesizing the server contents lists.

Watson teaches:

a list obtaining unit operable to obtain, from each of a plurality of servers, a server contents list showing contents stored in the server (Watson ¶¶ 0035, 0056, 0063, 0067, 0085; EN: A user client is allowed to be associated with more than one asset list, so that many service providers or multiple business units of one service provider can separately maintain their own asset lists and make use of the same client to manage the downloads),

a generating unit operable to generate the contents list by synthesizing the server contents lists (Watson ¶¶ 0035, 0056, 0063, 0067, 0085; EN: A user client is allowed to be associated with more than one asset list, so that many service providers or multiple business units of one service provider can separately maintain their own asset lists and make use of the same client to manage the downloads).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Kazou** for claims 10 and 11 with the content lists from a plurality of servers as taught by **Watson** for the purpose of providing a client asset manager process resides in the user device, an asset list at the content provider site, and the media assets are located at a remote site.

Claim 11

Kazou does not explicitly disclose:

a presenting unit operable to present the contents list to the user without partitioning the contents list according to transmission sources of the server contents lists,
wherein the requesting unit transmits the request for the content to a transmission source of the server contents list that contains the content selected by the user.

Watson teaches:

a presenting unit operable to present the contents list to the user without partitioning the contents list according to transmission sources of the server contents lists (**Watson** ¶¶ 0036-0039; EN: A continuous, uninterrupted, and substantially seamless display (visual and auditory) of media content by efficient delivery of the media assets to the users by integrating these assets with a viewing means),
wherein the requesting unit transmits the request for the content to a transmission source of the server contents list that contains the content selected by the user (**Watson** ¶¶ 0035, 0060-0066; EN: The user can actively specify the media that is downloaded and cached on the local device).

Claim Rejections - 35 USC § 103

8. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kazou** in view of **Watson** in further view of Phan et al. (U.S. PGPub 2004/0193609

A1, referred to as **Phan**). Examiner's Note (EN): **Kazou** and **Watson** and **Phan** apply with the specific sections identified as follows. Paragraph 13. below applies.

Claim 12

Kazou in view of **Watson** does not explicitly disclose:

a storage unit operable to store an identifier identifying the terminal device; and
a transmitting unit operable to transmit the identifier to the servers by
broadcasting,

wherein the list obtaining unit receives an identifier identifying a server, and
transmits a request for the server contents list to a transmission source of
the server identifier, and obtains the server contents list.

Phan teaches:

a storage unit operable to store an identifier identifying the terminal device (**Phan** ¶¶ 0015, 0044; EN: A main memory 176 and a mass storage device 178);
and
a transmitting unit operable to transmit the identifier to the servers by
broadcasting (**Phan** ¶¶ 0015, 0044; EN: UPnP interface 174),
wherein the list obtaining unit receives an identifier identifying a server, and
transmits a request for the server contents list to a transmission source of
the server identifier, and obtains the server contents list (**Phan** ¶¶ 0015;
EN: When a UPnP device is added to the network, SSDP enables the
device to advertise its services to control points on the network).

Rationale:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of **Kazou** in view of **Watson** for claims 12 and 13 with the UPnP network as taught by **Phan** for the purpose of providing a master content directory service (CDS) provides a consolidated CDS which includes content listings representing all of the content within the network. A component of the master CDS functioning as a control point application periodically queries each CDS within the network in order to obtain the content listings for processing and inclusion within the master CDS.

Claim 13

Kazou in view of **Watson** does not explicitly disclose:

wherein the requesting unit, the contents list obtaining unit, and the transmitting unit are control points of a universal plug and play.

Phan teaches:

wherein the requesting unit, the contents list obtaining unit, and the transmitting unit are control points of a universal plug and play (**Phan** ¶¶ 0023, 0043; EN: UPnP network where set top box includes associated content directories).

Examination Considerations

9. The claims and only the claims form the metes and bounds of the invention.

*Office personnel are to give the claims their broadest reasonable interpretation in light

of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim should not be read into the claim. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969) (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

10. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

11. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent *prima facie* statement.

12. Examiner's Opinion: ¶¶ 10.-12. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

13. The prior art of record and not relied upon is considered pertinent to Applicant's disclosure.

- U.S. PGPub 2001/0025316 A1 I, Oh
- U.S. PGPub 2001/0054081 A1 I, Fujiwara
- U.S. PGPub 2001/0056493 A1 I, Mineo
- U.S. PGPub 2002/0062397 A1 I, Chang et al.
- U.S. PGPub 2002/0085588 A1 I, Giaccherini et al.
- U.S. PGPub 2002/0118835 A1 I, Uemura
- U.S. PGPub 2002/0138843 A1 I, Samaan
- U.S. PGPub 2002/0197993 A1 I, Cho et al.
- U.S. PGPub 2003/0078986 A1 I, Ayres et al.
- U.S. PGPub 2003/0145333 A1 I, Hjelsvold et al.
- U.S. PGPub 2003/0163811 A1 I, Luehrs
- U.S. PGPub 2004/0117831 A1 I, Ellis
- U.S. PGPub 2005/0033850 A1 I, Kirkland
- U.S. PGPub 2005/0131910 A1 I, Yanagisawa
- U.S. Patent 5,870,562 A I, Butman et al.
- U.S. Patent 6,631,397 B1 I, Satomi et al.
- U.S. Patent 6,782,409 B1 I, Yoshida

U.S. Patent 6,789,078 B2 I, Saitou et al.

U.S. Patent 6,892,306 B1 I, En-Seung et al.

U.S. Patent 7,191,238 B2 I, Uchida

U.S. Patent 7,281,035 B2 I, Ihara et al.

U.S. Patent 7,386,623 B2 I, Nishimura et al.

14. Claims 1-16 are rejected.

Correspondence Information

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to MARY ANNE KAY whose telephone number is (571)270-5677, FAX (571)270-6677, e-mail mary.kay@uspto.gov. The Examiner can normally be reached on Monday - Thursday and every other Friday, 8:00 AM - 5:00 PM, EST.

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Notwithstanding the lack of security with Internet Communications, I hereby authorize the USPTO to communicate with me concerning any subject matter related to the instant application by e-mail. I understand that a copy of such communications related to formal submissions will be made of record in the applications file.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Joseph Hirl can be reached on (571)272-3685. Any response to this office action should be mailed to:

Commissioner of Patents and Trademarks,

Washington, D. C. 20231;

Hand delivered to:

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401 Dulany Street,

Alexandria, Virginia 22313,

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(571)273-8300 (for formal communications intended for entry).

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